

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:15-CR-73-1H

)  
UNITED STATES OF AMERICA, )  
                                )  
v.                             )                           **ORDER**  
                                  )  
GABINO VILLANUEVA-RAYGOZA, )  
Defendant.                    )

This matter is before the court on the defendant's Expedited Motion for Declaratory Relief or Alternatively for an Immigration Departure [DE #46] and two motions to expedite a ruling on the motion [DE #47 and #48]. The government moved to dismiss [DE #51]. Defendant has also filed a motion for reduction of sentence under the First Step Act [DE #53].

The court has carefully reviewed defendant's motion for Declaratory Relief as well as the government's memorandum in support of its motion to dismiss and finds, for the reasons stated in the government's memorandum, defendant's motion is dismissed. The motions to expedite [DE #47 and \$38] are denied.

As to the First Step Act motion, defendant was sentenced well after the Fair Sentencing Act of 2010 took effect. Therefore, defendant's motion [DE #53] is without merit and is hereby denied.

This 3rd day of December 2020.



---

MALCOLM J. HOWARD  
Senior United States District Judge

At Greenville, NC  
#26